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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

DEMETRIC DI-AZ, OWEN DIAZ, and
LAMAR PATTERSON,

Plaintiffs,

v.

TESLA, INC. dba TESLA MOTORS, INC.;
CITISTAFF SOLUTIONS, INC.; WEST
VALLEY STAFFING GROUP;
CHARTWELL STAFFING SERVICES, INC.;
and DOES 1-50, inclusive,

Defendants.

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Case No. 3:17-cv-06748-WHO

**DECLARATION OF MICHAEL RUBIN
IN SUPPORT OF ADMINISTRATIVE
MOTION TO EXTEND DEADLINE FOR
ACCEPTING OR REJECTING
REMITTITUR PENDING REQUEST
FOR INTERLOCUTORY REVIEW**

DECLARATION OF MICHAEL RUBIN

I, Michael Rubin, hereby declare:

1. I am a member of the California bar and one of the attorneys for Plaintiff Owen Diaz in this matter. I make this declaration in support of Plaintiff's Administrative Motion to Extend Deadline for Accepting or Rejecting Remittitur Pending Request for Interlocutory Review.
2. On May 2, 2022, I contacted Daniel Posner, counsel for Defendant Tesla, by telephone to inquire whether Tesla would stipulate to extend the deadline for Plaintiff to accept or reject the Court's remittitur until seven (7) days after final resolution of Plaintiff's request for interlocutory review of the Court's Post-Trial Order. Mr. Posner stated that he would confer with his client and colleagues.
3. On May 3, 2022, Mr. Posner contacted me and stated that his client and colleagues had not yet been able to consider Plaintiff's request. I informed him that given the time-sensitive nature of the administrative motion, Plaintiff would be filing the motion on May 4.
4. On the morning of May 4, 2022, Mr. Posner again contacted me and again stated that his client and counsel had still not indicated whether they oppose the administrative motion.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct.

Executed on this 4th day of May, 2022, at Berkeley, California.

/s/Michael Rubin

Michael Rubin